

Full transcript: Richard Scott interview

This is the full transcript of outgoing Chief Justice Richard Scott's interview with the CBC's Sean Kavanagh.

Q: What are your feelings about leaving the bench? Is it melancholy, or what is your thought about ending this?

"Well, there is a little bit of melancholy, but the Constitution says that all federally appointed judges have to retire at 75. So you know that when you take the job, and I think I'm ready for something different. I don't quite know what. I'd like to do something useful, but I don't want a job. I've had a job for a long time now, and I'd like to have more [time] to do the things I like, but I also want to do some things for the community."

Q: Most people look at being a judge as a very serious business. Are there fun moments in it? What are the parts that are appealing to you?

"There are fun moments. Most judges – and there are only nine of us in the Court of Appeal – we all work together in panels, we all get along. We are a very collegial court. We all have a sense of humour, believe or not. And so yes, there is a fair bit of humour and occasionally a bit of black humour. We are not sitting in court grading the lawyers, but every once in a while somebody performs very well ... or not! And we may have something to say about that. So I have enjoyed being on this court and working with the people who have been here with me. It's a fun place, but a serious place."

Q: Are lawyers getting better?

"I would say we have a worry, and I would speak now for all of the courts in the province about the young lawyers who are coming up through the system and are not being mentored, certainly the way we were; the way I was when I was a young lawyer and there's a little bit of "throw them into the deep end of the pool and hope they can swim." Certainly the top of the profession, the really good counsel, are excellent. By any national standard they can compete, be measured the same way as other senior counsels in other provinces, and there are some young lawyers coming up that can take their place. But the ranks of the lawyers five years and under, we have a concern about their ... in some instances, about their capability to properly represent their client."

Q: Is that something that worries you as a judge, that people get proper counseling? Do you see that happen?

"Absolutely. Now it's less of a problem, for obvious reasons, in the Court of Appeal. Because of the seriousness of the matter, we are the court of last resort – except for maybe one per cent of cases that come to our court that go on to the Supreme Court [of Canada] – we are much more likely to get senior and experienced counsel. But at the trial court, the judges express themselves being concerned – not always, not most of the time, but some of the time – with the capability of counsel that are appearing before them. And of course, when that situation occurs, the client may be disadvantaged. You know, the judge isn't there to rate counsel. It may be that counsel doesn't do a very good job; notwithstanding, the counsel's client is successful because the law and the facts happen to favour that client's position. So the judges try to take that into account, but lawyering makes a difference."

Q: You were called to the bench in 1985. We've had sweeping technical changes to our world – computerization, so many other things. From the bench's perspective, what are the biggest changes that have happened in the last 30, 35 years?

"Well, I was lucky enough to be appointed the year of the first great Charter case: Hunter versus Southam came along. So I have literally been on the ground floor from the enactment of the Charter, which was in 1982, but for the beginnings of the Charter era for the courts and here we are today. So the biggest change has been the impact of the Charter – not just on Charter cases, but on all cases, particularly when it comes to statutory interpretation. So that's the big change. Technology, yes ... we have new recording systems in the court, most of us take our computers on the bench, we have access to [an] incredible database. You know, I am sitting here with a shelf full of books and I can't tell you the last time I opened them up, because I can go to my computer and find what I want in five minutes. So that's different. But how we do our work in the final result is very much the same as we've done it for the last 300 years: lawyers appear in front of us, they make submissions. The judges hear the evidence, they reserve, there is a decision, there is a right of appeal. We are still dealing with people, as opposed to machines ... and I hope it's always that way."

Q: You've had the privilege of sitting on the Canadian Judicial Council in a specific role for some time, which gives you a national perspective. I'm curious how you feel, because you interact with judges from other provinces and the Supreme Court through their association with the CJC – how does Manitoba stack up against the other provinces, in terms of how we carry out the administration of justice? Are our lawyers, are our judgments sound? Is there a distinction between Manitoba and the rest of the provinces?

"I'm a little bit of a homer, so I can't be entirely neutral in answering your question, but I think our best are as good as the best from the rest of the provinces. The one thing I think we do that I think is still relatively unique is the collegiality, not just between judges of the same court, but between all levels of court. For example, [provincial court chief] Judge Champagne, [Court of Queen's Bench] Chief Justice Joyal and I, we talk, we meet, we talk to each other about common matters of interest. I think this is the norm now ... it wasn't 15 or 20 years ago. One thing that I think that marks us as a little different from some of the other courts is the collegiality and the professional relationship we have amongst the three levels of court."

Q: Is there an instance where we lag behind other provinces? Somewhere where we could do better?

"Well, there is always the issue of resources for the courts and, of course, part of the constitutional divide is that I and all other federally appointed judges are paid – our expenses, education and other expenses – by the federal government, but everything else is provincial. The office I'm in, the secretaries, is all provincial. Some provinces resource their courts at different levels, and in that respect we are somewhere in the middle."

Q: Can you graph it for me? Where are the benches across the country under-resourced on a provincial level?

"Well, I am not going to go there and name names. It won't surprise you to learn that Alberta, up until now, is superbly researched. The Supreme Court is superbly researched, and absolutely properly so, because they are the final court in the country. Ah ... some of the other jurisdiction, less so."

Q: When I was doing my research, I found a couple of years ago the federal government used their majority in a House of Commons committee to compel a judge to come and appear before them. I think it was Justice Boivin of the Federal Court. And I wonder if you feel if politicians should have the right to call a judge as a witness, or does that impair judges?

"That's a difficult question. Let me answer it this way: ordinarily there is a measure of respect between the legislative branch of government and the courts. And it is a very unusual thing, and was a very unusual thing for that to have happened, and personally I think it's regrettable that it occurred. I think that in 99.9 per cent of cases, it should not be necessary. If there is an issue – if the Commons have a

concern about something a judge did or said, if there is a discipline matter – that's for the judicial council. We have a discipline process that can ultimately end up back in Parliament. If it's something else, well, usually there are other modes to resolve the issue besides summoning a judge to Parliament. Whether Parliament should have that right, historically they have; [it's] rarely, rarely used, but it's been there for centuries, and I think that's about all I can say."

Q: Can you think of other instances where there are threats to the independence or separation between government and the judiciary that are a concern to you?

"Well, there's always been a tension, and a healthy tension between Parliament and the judges, and I think that's a good thing for the most part. But from time to time, governments have an agenda. That's what government's all about, and sometimes the agenda causes some difficulties for the courts. And for example, something that's well known to us: certain governments like to be seen as tough on crime, and that's a good thing. But when the rubber hits the road and somebody comes before the court and something happens, that either the person is acquitted or there is a sentence that doesn't meet with favour by certain segments of society or even the media itself, we can be subjected to a great deal of criticism. Now that's part of a democracy; that's a good thing. The courts are susceptible to criticism like any public institution. But I worry because many times – and this is just my own personal view – in my opinion, the criticism is ill-informed. Not often, not from experienced journalists such as yourself, but from some politicians. In some cases, they can be pretty severe in their criticism of the courts, and that makes it difficult for us. But I would defend the right of the media and a parliamentarian, leaving aside the laws of defamation, to express themselves firmly and severely if that's what they think ... that's the society we live in."

Q: You speak about individual cases where a judgment is rendered and there is concern or angst or criticism, what about when governments provide wholesale changes to laws? I'm thinking about conditional sentencing in the recent past, changes to paroles. These have impacts on society as a whole and on the courts, and you have to deal with it. Can you speak about conditional sentencing? What's your view of those kind of legislative changes?

"Well, I really can't in any substantive way. My comment would be this: ultimately it's for government to enact the statutory laws of the country and with the rarest of exceptions, judges are not consulted as judges before statutory amendments are enacted. The traditional thing ... is if there is a controversial proposal to amend a particular provision in the Criminal Code, the Canadian bar and various other groups will make representations to Parliament. Judges do not. And the reason for that is we have to be, and be seen to be, impartial. And if we are participating in the legislative process, then the public may be forgiven for thinking we may have an agenda when it comes to interpreting the law, so we have to stay back from the discussion that leads up to the enactment of a particular provision. If, in our considered view speaking within the court, we happen to think or some of us happen to think the law is ill-advised – you know, we all have minds of our own – then that's something we keep to ourselves, and our own opinion of the law is irrelevant when it comes to judging the constitutionality or the interpretation of the particular provision comes before us for decision."

Q: How about the practical implications of legislation? I mean, you can't speak to the development of a change to the Criminal Code, fair enough, that's not your role. But you do have to cope with its aftermath when a substantive legislative change like conditional sentences appears in court. Can you tell me what the practical implications of that are for the bench?

"Well, the practical implication for us is when we are dealing with a provision which seems to us, in our experience, is not working. We can make a comment, a constructive comment in our reasons for decision, bringing it to the attention of the authorities that they may want to have another look at this. And of course, the ultimate example of that is the Supreme Court who, on occasion, when striking down a law because it's unconstitutional, they will give the government a period of time to react. It's what they

call a dialogue, a constructive, respectful dialogue between the Supreme Court and Parliament. They will give Parliament six months or a year or whatever to have another look at the law and change it. So there's a dramatic example of where the court can send a very powerful signal, the most powerful signal, to the Parliament that they have to make a change. We don't do that, but we certainly can comment in our judgments if we see that it is not practical and it's not working."

Q: You mentioned briefly how courts across the country are researched differently. Here in Manitoba, some cases are being booked into 2014, 2015. I spoke to a lawyer who's going to be trying a case in 2015. Now, he said it wasn't because of a backlog; it was because of the complexity of the trial. But there is a perception that the courthouse is backed up, and politically we hear and see a drive to put more police officers on the street. What's your reaction to that? Are we resourcing one part of the justice system and not researching another?

"You know, the justice system – and I'll put 'system' in quotes – is very unique. Because in one sense it is a system, and we'll use a criminal case as an example, from the time someone is arrested until the time the person ends up sometime later in the Court of Appeal ... and if there is a criminal case and there is a conviction and the sentence is then dealt with, the correctional people and parole and all the rest of it. So in one sense it's a system."

"Then the system, the components are independent. So the judges are independent. The police, with some notable exceptions, have a quasi-independent role to play. The Attorney General has a role to play. So balancing the resources between those two unique institutions can be very difficult. But it stands to reason if there is an increase in police officers or an increase in Crown attorneys, whatever example you want to use, and people at the same time are not cognizant of the other players in the system, it can ultimately result in a little bit of a logjam. And my understanding in speaking to some of the trial judges – and as I said earlier, we talk to each other in this province – in some areas in this province, there is a problem which perhaps in part relates to the fact that there are additional policing resources, there are additional Crown prosecutor resources, all of which is a good thing, but there hasn't necessarily been at the same time an appreciation, a full appreciation, that that may require additional judicial resources."

Q: More judges?

"Well, that's what I mean by judicial resources. Judges."

Q: Is it appropriate for the outgoing chief justice of the appeal court to have a sense of how many, or do you have a number in mind where you could see the capacity being met given the other parts of the system are being beefed up?

"Quite frankly, I don't have a number in mind. I can tell you two people who would, and that's Chief Justice Joyal and Chief Judge Champagne. I suspect they would have a very good idea of what number is required and where, particularly for the provincial court, which is a circuiting court in the full sense of the word. It's not just a question of having the right, raw number of judges. It's where they are located – are they in Thompson, are they in The Pas, are they in the Dauphin or whatever."

Q: It's fair to say some of the stressors in the system are in the north?

"That's right."

Q: When the system gets overburdened and we are booking years into the future, what's your worry? Is a delay and important thing to try and overcome in the court system?

"Absolutely. There's a famous or infamous case, well known to every lawyer and judge involved in criminal justice, called Askov and its progeny because there were many cases that followed Askov, and it essentially says that when there is a serious criminal matter, the person accused is entitled to have a trial before a fair and impartial tribunal, ie. a court, within a reasonable period of time. And that is a constitutional imprimatur. And if it doesn't happen, then the court has the authority – and in some cases the obligation – to stay the proceedings. And that is the ultimate hammer for the Crown and the politicians: if things don't work out on a systemic basis, if trials are not able to proceed in a reasonable period of time, there will be severe consequences ultimately to the public interest. Because that's what we are talking about ... it's in the public interest. We are not just talking about the rights of the accused, that people ... that serious crimes are prosecuted in a reasonable period of time."

Q: And that may mean more people on the bench?

"Could be."

Q: Do you think that speeding up the trial process would help impact the fight against crime?

"Yes. And there are a number of innovations taking place over on the civil litigation side. It's much more difficult on the criminal side because of course you are dealing with the rights of the accused, you are talking in serious cases about the liberty of the subject and there are certain historical safeguards that have been in place for a very long time; preliminary hearings, more recently because of a Supreme Court case called Stinchcombe, full disclosure and the like, which can take in some of the more complex cases an incredible amount of time."

Q: I've heard from people in the legal community saying that because Stinchcombe has had such an impact on disclosure that maybe it's time to do away with a preliminary inquiry. What do you think about that?

"Well, I am aware of the fact that there are committees at work, and there have been for a very long time with respect to that. I'm aware that in England, their version of a preliminary inquiry that would take two weeks here would take half a day in England because they do it almost entirely by paper, except for maybe one or two key witnesses. But you know, the law is a very traditional institution and we've had preliminary inquiries for centuries, and I think it's going to take a lot of work and goodwill on everybody's part before the day comes when preliminary inquiries disappear, if it ever happens."

Q: Can you think of any other recommendations that you would make in your experience that would speed up the trial process?

"Not at the moment. One thing that judges are doing in this province and other provinces is to ride herd a little better, and I am now thinking particularly of the civil side, where trials can be scheduled at an early date and steps taken to ensure that the lawyers are ready to proceed; shortcuts can be taken over on the civil side in terms of examination for discovery and other pretrial steps to move things into court on a much quicker basis than if you follow the normal rules but that is difficult and much more complicated when you get on the criminal side."

Q: One of the things that I have been told as I've talked to lawyers and people in the Crown's office is there is a problem with legal aid – that the difficulty in getting a certificate for legal aid has gotten greater, that it is underfunded...what's your perspective on the legal aid system?

"Well, we are kind of a consumer of legal aid in a sense. Many years ago I used to be on the board of Legal Aid and the funds were divided 50-50 between the federal government and the provincial government. And now it's something like 85 to 15, the 15 being the federal government. So in that respect, there is a difference in the funding allocation and I don't know the extent to which that has

played into the fact that legal aid societies across the country would like to have more funds and would be able to put them into very good use. But again, they are in the competition along with many other government organizations and endeavors for funds. Where we see it in the courts are instances where...talking about criminal cases...where accused are representing themselves. Where for one reason or another they have been refused Legal Aid and the courts can step in. In the Court of Appeal there is an actual section in the code that enables us to appoint counsel if we think it's in the interest of justice to do so. In the Queen's Bench and in the provincial court, relying on a Supreme Court case called Rowbotham, the court has the authority to appoint a lawyer at government expense to represent someone where there is a concern there might be a miscarriage of justice if the particular person is not represented by counsel. So the courts can ultimately get involved in that way. As a judge, just let me say that, and someone who was involved in legal aid from many years when I was in practice ... I regret that there isn't more legal aid available to persons in need, particularly in the family area."

Q: In researching to meet you and talk to you ... you said almost those exact same words in 2002. So we are 11 years later...has it gotten any better?

"No, it has not gotten any better."

Q: Do have any sense of what is the problem here?

"Certainly the number of serious criminal cases in the system has not gone down, so the need is still there. The law is not getting any simpler. Legal Aid, for a while, had some difficult criteria for granting certificates for criminal cases that were not of the utmost severity, in other words, non-murder, non-homicide, that sort of thing. And in fairness to Legal Aid, because they just did not have the money. Now I understand there is a new regime at Legal Aid and I was at a bar meeting just a couple of weeks ago and there seems to be a new positive atmosphere in the air, so we will see if there is a change. Now I don't want to sound like I am dumping on Legal Aid because they have severe financial constraints, here and right across the country."

Q: It's ultimately the choice of government, whether it's the federal at 15 and provincial at 85 ... so it clear who can change this.

"Yes."

Q: One of the people I spoke to said it's not only legal aid in a general sense isn't being funded properly, it's who gets legal aid, and the threshold is so low now that you have to be so incredibly poor in order to get a certificate, that there is this gap somewhere between those folks that get a certificate for legal aid, and working poor that end up in court representing themselves. Do you think that threshold should be changed?

"It would be wonderful if the threshold could be changed. But legal aid is driven, like any other institution that requires money, by the resources that are available and they have to ration the resources in the best way they can. Like any other organization and perhaps from time to time they get things a little out of balance. It all comes down to a lack of money, and over the years they've altered the funding criteria a little bit and as the expression goes the very poor and very wealthy are looked after and the rest of us in the middle are not eligible for legal aid and are left to our own resources and that's regrettable, but that's the world we live in."

Q: Some would say if you are tough on crime, you should really follow it through and speeding up court processes and having adequate members of the bench, having legal aid adequately funded would all go to the bigger package of being tough on crime. Would you agree with that?

"Well, first of all, I've been a judge for a long time; I still don't know what 'tough on crime' means. I know it's a mantra, but 99.9 per cent of the citizenry want to be tough on crime. But when you talk to them, they also want to be compassionate in the right circumstances.... Sorry for the digression, but I've never quite understood ... I think I know what the political people talk about 'tough on crime' mean, but as a judge, I have a different job description, and it would be nice if we were talking on the same page."

Q: How judges are picked has been under some scrutiny under the last while...

"I was wondering when you would get to this."

Q: ...and I know that you won't speak directly to it because it is an active case and a decision has not been rendered; it's ongoing. But in a general sense, do you think that picking qualified people for the bench should be a more open process? Should we be tinkering with how we choose our judges?

"Let me answer your question this way, because quite frankly ... one of the reasons I can't answer your question directly is because I am not entirely settled in my own mind. There are various criteria for the appointment of judges in North America. Our federally appointed judges and the American federally appointed judges have essentially the same system. There is an advisory committee that vets candidates – and I am now speaking about the Canadian federal situation – vets candidates who are prepared to be, who'd like to be judges, and are prepared to go through the process. And they recommend a qualified or not-qualified list, and on the committee are one judge, some lawyers and some others appointed by the province and the federal government. Of course, in all of the American states, the judges are elected. In the provincial courts they have a variety of systems, some of which involve personal interviews with the various candidates by a similarly composed committee. I'm not aware of any instance in Canada where the vetting process itself is public."

Q: Should it be?

"It strikes me as being very awkward."

Q: Awkward as getting elected?

"Awkward in a very different sense, in that people might offer themselves to be a judge. As I said, they've been a lawyer for a while.... If they are being vetted and asked tough questions – as happens in the American sphere, as you know, on occasion, particularly for Supreme Court judges – I worry that some people might say, 'You know what? It's just not worth the price. I'm not going to go through a public circus, as has happened in the United States. I enjoy being a lawyer, I'd like to be a judge, but you know what? Forget it.' Whether that would happen, the extent to which it would happen, I don't know."

Q: Do you see a time when have elected judges in our country?

"Nope!"

Q: Doesn't sound like you are for that either?

"I am definitely not."

Q: And your reason for that is...?

"Because judges ... if you are offering yourself for election, it's a popularity contest, and the job description of a judge is not necessarily to be popular. We're supposed to do the right thing. We are supposed to come up with the best decision we can, being as impartial as we can, and sometimes that can mean we make decisions that are enormously unpopular, at least with certain segments of the

population. I don't know a judge who wants to be unpopular, but having said that, we know it's part of our job description that sometimes we have to make a decision where we know, or at least suspect, that some significant segment of the public are not going to like it. That's part of our job. And if we are offering ourselves for election, if we are on the hustings, we have a program, we have a platform. And you've seen this in your experience in the United States, where you have ads with people with cowboy hats and six guns and saying 'Elect Bloggs ... I'm tough on crime!' I don't ever want to see that in our country."

Q: Still, there is a gulf that exists between the bench, this part of the justice system, and the public. And you say you make unpopular decisions at times, but also confusion ... and the media plays a role in that, but are there ways that you and your colleagues talk about narrowing that gap, making it more comprehensible? Do you think there are opportunities for the bench to explain itself better or bridge that gap somehow?

"I have no difficulty being very candid in court, but I think you are talking about..."

Q: Opening up a little further...?

"Opening up a little further."

Q: There is a judge in Ontario that has an internet talk show...

"Let me be very practical in my answer. For most of us, we don't have the talent. We are not trained; we are not experienced to be media personalities. There are some, and you know who they are in this province, who are very good, who are excellent at explaining things, and for those gifted people I think it's a wonderful thing to be out in the public realm and to be out to demystify the process. But for the rest of us, you know, that's not part of my job. Maybe it should be. Maybe 25 years from now it will be part of the chief justice's job description. But I don't see it as part of my job description to be out doing what we are doing now, on a regular basis. I don't have the skills. Maybe I should have, but I don't."

Q: I wonder if putting recording devices in the courts, so when those judgments are rendered, would assist in narrowing the gap. I know we've now moved to the point where a camera is allowed in the Court of Appeal under certain circumstances and that advantage has not been taken...?

"No one has ever asked, and you know why? Anyone who wants to watch will be bored to death within the first half an hour, with some very rare exemptions, because of the nature of the arguments which are presented in the Court of Appeal, which are all focus on the difficult legal issues. Exciting for the lawyers and judges, perhaps, but not for members of the public."

Q: Perhaps the media looks for the exceptional...

"I've noted that."

Q: The Graham James case is an exceptional case that has engendered a great deal of interest in the country, and we are not going to speak about the case itself...

"No, because it is on reserve in this court as we speak."

Q: Right, but there was an opportunity during his sentencing, and there were suggestions made to the media that perhaps they could attend to the sentencing and film it. But there was a hue and cry from elsewhere, and the attorney general got involved and said it's not acceptable. Is the court's mind made up at this point how accessible it's going to be?

"No, our mind is not made up. I mean, we have to recognize that we are in the year 2013 and technology is overtaking all of us. And I'm thinking of tweeting and blogging from the courtroom, and if not, out in the hallway at a court break. These are issues that we are dealing with right now. As you know, there is a protocol in place for all three levels of court here, and on a pilot basis we are prepared to entertain applications some aspects of some hearings or in the Court of Appeal, and the amazing thing is, we haven't had many requests."

Q: From your perspective, is there an advantage to putting a camera in a court room?

"In the right circumstances, yes. We are the public's judges. Anything we can do to demystify the process and to educate the public so they [know] what we do, and it's to our advantage to, if they have a sense of how difficult it is in so many instances to craft the appropriate sentence in a criminal case. That's one of the toughest things we do. May sound like it's easy, but it isn't. So anything we can do to help the public understand is to the good. But there are other competing balancing factors, including the efficacy of the process, the rights of privacy of certain participants in the process, the interests of the accused person themselves ... so they all have to be balanced."

"But generally speaking, and now I will predict, now I will look at the future, that slowly, inexorably there will be an opening of the court processes, keeping in mind those balancing factors. Ultimately it's always the call of the judge who's sitting on the particular case whether it's in the interests of justice to permit recording or televising or not. And I think that's the right call. That's the right place for the decision to be made."

Q: You don't think the American approach, which seems to be a lot of access, is necessarily the right way to go?

"I'll fasten on your word 'necessarily.' In some instances, it might be the right way to go. In the Federal Court, certainly in the Supreme Court of the United States, they do not allow filming of any kind, in sharp contrast to our own Supreme Court. So cultures, the cultures of the profession and of the court comes into play as well."

Q: You've spent a lot of time with the Canadian Judicial Council, as the head of the disciplinary function and as a working member of it. Can you tell me from your national perspective the biggest challenges you think the Canadian judicial system faces...the bench faces in the 21st century? What are the biggest issues?

"Well, there is one over-arching issue, and that's access to justice. You know, there is a couple of hackney expressions that happened to be true, and one is 'justice delayed is justice denied,' and we've talked about that. And the other is that 'the search for perfect justice can result in a miscarriage of justice.' So we have to find ways, first for people who need legal assistance and who need to come to court to be able to do so in a reasonably expeditious way and to be able to have legal assistance. We've talked about that and about legal aid. But there's the court processes too. We have to do a better job of moving matters through the courts up to the time of the trial. You know, the old saw was that if Conrad Black was charged in Canada instead of the United States, the trial wouldn't be over yet. Now that's an exaggeration, a gross exaggeration, but the Americans somehow manage to move these kind of cases through the system, for the most part a lot more expeditiously than we do, and I think there's a lesson for us there."

Q: Do you have any sense of why?

"My sense is in the American, particularly in the American federal system, the judges take control of the proceedings and the masters, the senior court officials, take control of the proceedings right from the

béginning, and they are pretty ruthless in moving through the system. In Canada, we are a little more collegial, we are a little more nicer about it."

Q: As you look toward your retirement, is there a parting thought you might have, critical or positive, that you might want to pass on to people? What's your word about the system and to people who will take up your role?

"I would say this to the citizens of our fantastic country, and we are so lucky to live in this country, as you know. It's not perfect, but to paraphrase Winston Churchill, when you look at every other country, we look pretty good. We have an absolutely fabulous judiciary, at all levels of court. We are not perfect. No institution is. Every judge I have known over the years – and I have known hundreds over the years – takes their oath of office seriously and genuinely and sincerely try to do the best job they can to try and judge fairly and impartially. I think it's a unique institution; it's one to be treasured. But at the same time we have to keep in mind, things are changing, the world is changing, technology is changing and we have to change with it."

Q: Thank you for your time.

"You're welcome. Thank you for yours."